



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

The Honorable Jon S. Corzine
Office of the Governor
P.O. Box 001
Trenton, New Jersey 08625

MAR 31 2008

Dear Governor Corzine:

I am pleased to report that, in accordance with the delegation of authority under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act (Act), 16 U.S.C. §§ 5101 et seq., from the Secretary of Commerce (Secretary), the National Marine Fisheries Service (NOAA Fisheries) has determined that the State of New Jersey is now in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan for Tautog (Plan).

On March 11, 2008, I notified you that NOAA Fisheries determined that the State of New Jersey was not in compliance with the Commission's Plan and the management measures that New Jersey failed to implement and to enforce are necessary for the conservation of tautog. A moratorium on fishing for, possession of, and landing of tautog by the recreational and commercial fishermen within New Jersey waters would have become effective April 1, 2008, and would have continued until the Secretary concurred with a determination from the Commission that the State of New Jersey is in compliance with the Plan.

On March 26, 2008, the Secretary was notified by the enclosed letter from the Commission that New Jersey has taken corrective action to comply with the management measures in the Plan, and the Commission now finds New Jersey in compliance with the Plan. NOAA Fisheries reviewed the Plan and New Jersey's recently approved tautog management measures. The management measures implement a management program for 2008 that is consistent with the tautog management program set by the Commission to achieve the objectives specified in the Plan. Therefore, NOAA Fisheries concurs with the Commission's finding that New Jersey is now in compliance, and that a basis for proceeding with the moratorium no longer exists.

Thank you for your cooperation in resolving this difficult fishery issue. I remain committed to maintaining a strong State-Federal partnership in marine fisheries management with New Jersey and all other coastal states.

Sincerely,

James W. Balsiger, Ph.D.
Acting Assistant Administrator for Fisheries

cc: David Chanda, Director, NJ DFW;
Thomas W. McCloy, Administrator for Marine Fisheries, NJ DFW
John V. O'Shea, Executive Director, Atlantic States Marine Fisheries Commission



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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



Atlantic States Marine Fisheries Commission

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Robert H. Boyles, Jr. (SC), Vice-Chair

John V. O'Shea
Executive Director

Working towards healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015

The Honorable Carlos M. Gutierrez
Secretary of Commerce
Herbert C. Hoover Building
1401 Constitution Avenue, N.W.
Washington, DC 20230

March 26, 2008

Dear Mr. Secretary,

This is to notify you that the State of New Jersey has come back into compliance with Addenda IV and V to the Interstate Fishery Management Plan for Tautog. The action taken by New Jersey to implement the required 25.6 percent reduction in exploitation, effective 25 March 2008, is consistent with the Addenda IV and V requirements.

On 7 February 2008, the Executive Director of the Atlantic States Marine Fisheries Commission notified you and the Secretary of the Interior of the determination that New Jersey was out of compliance with the Interstate Fishery Management Plan for Tautog. The Commission took this action under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act, which requires the states to implement fishery management plans adopted by the Commission.

On 25 March 2008, the State of New Jersey informed me in writing (please see attached correspondence) that effective immediately, regulations have been implemented to bring the State back into compliance.

Under the Commission's rules and procedures, I reviewed the regulatory changes to be implemented and determined that New Jersey addressed all of the findings of the Commission's determination of noncompliance. By notifying you and the Secretary of the Interior of this determination, I hereby withdraw the Commission's finding of noncompliance for the State of New Jersey.

Sincerely,



George D. Lapointe
Chair, ASMFC

Enclosure: Letter from Commissioner Jackson, 25 March 2008

cc: New Jersey ASMFC Commissioners
John V. O'Shea, Executive Director
Robert Boyles, Jr., Vice-Chair, ASMFC
ASMFC Commissioners

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